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June 13, 2002 [Signature]
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gerard F. Barry
Ganesh M. Kishore
Stephen R. Padgette
William C. Stallings

Group Art Unit: 1644

Examiner: G. Ewoldt

Serial No.: 09/464,099

Atty. Dkt. No.: 11899.0175.DVUS01
(MOBT:175--2)

Filed: December 16, 1999

For: GLYPHOSATE-TOLERANT 5-
ENOLPYRUVYLSHIKIMATE-3-
PHOSPHATE SYNTHASE

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ORIGINALLY FILED

**AMENDMENT AND REMARKS IN RESPONSE
TO OFFICE ACTION DATED DECEMBER 21, 2001**

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action dated December 21, 2001, Applicants submit the following amendment and remarks.

I. Amendment

Please cancel claims 100 and 101.

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II. Restriction Requirement

In response to the restriction requirement, applicants elect Group I, claims 100-104 and 107, without traverse. Upon entry of the above amendment, the remaining claims of that Group are 102-104 and 107.

III. Species Election

In response to the requirement to elect a specific 5-enolpyruvylshikimate-3-phosphate synthase enzyme sequence, applicants elect SEQ ID NO. 70. Claims 102-104 and 107 involve SEQ ID NO. 70.

* * *

A request for a three-month extension of time and authorization to charge Deposit Account No. 01-2508/11899.0175.DVUS01 for the associated fees is filed with this Response. It is believed that no other fee is due; however, should any other fees be required for any reason relating to this document, the Commissioner is authorized to deduct said fees from our Deposit Account No. 01-2508/11899.0175.DVUS01.

The Examiner is invited to contact the undersigned attorney at (713) 787-1686 with any comments relating to this application.

Respectfully submitted,



Janelle D. Waack
Reg. No. 36,300

Attorney for Assignee

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Date: June 13, 2002